

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68697 of 2019

Arising Out of PS. Case No.-403 Year-2019 Thana- CHIRAIYA District- East Champaran

1. KUNDAN KUMAR Son of Shivnath Baitha Resident of Village - Kaporpakri, P.S.- Shikarganj, Distt - East Champaran.
2. Ladoo Kumar @ Nandan Kumar Son of Shivnath Baitha Resident of Village - Kaporpakri, P.S.- Shikarganj, Distt - East Champaran.
3. Shivnath Baitha Son of Girja Baitha Resident of Village - Kaporpakri, P.S.- Shikarganj, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon
For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 27-11-2019 Heard the learned counsel for the petitioners

and the State.

The petitioners seek bail in anticipation of their arrest in connection with Chiraiya (Shikarganj) P. S. Case No. 403 of 2019 dated 08.08.2019 instituted for the offences under Sections 363 and 366A of the Indian Penal Code and Section 8 of the POCSO Act, 2012.

It appears from the accusation in the F.I.R. that the 16 years old daughter of the informant was abducted by the petitioners and one Chandan Kumar for



the purposes of marrying her. It further appears from the records that the victim was recovered, who has made a statement that she had come out of her parental house of her own volition for the purposes of marrying Chandan Kumar. She has also stated that she wishes to stay with Chandan Kumar as his legally wedded wife. Apart from this, it has been submitted that the victim's age has been assessed to be 17 and a half years.

The petitioners no. 1 and 2 are the brothers of the aforesaid Chandan Kumar, whereas petitioner no. 3 is his father.

Considering the fact that except for the petitioners having been named in the F.I.R., there is no other accusation against them and that they are persons of clean antecedents, their petition is allowed.

The petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of



this order, on his furnishing bail bonds in the sum of Rs.
10,000 /- (Ten Thousand) each with two sureties of the
like amount each to the satisfaction of the learned 1st
Additional District and Sessions Judge, POCSO, East
Champan, Motihari in connection with Chiraiya
(Shikarganj) P. S. Case No. 403 of 2019, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

skm/-

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